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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,486	06/25/2003	Naomi Shiragami	72478-9000	3127

21611 7590 03/20/2007  
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EXAMINER
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SONG, HOSUK

ART UNIT	PAPER NUMBER
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2135

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/603,486	SHIRAGAMI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	HOSUK SONG	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 14-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2,6,14-22 is/are rejected.
- 7) ☒ Claim(s) 3-5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2,6,14-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Graunke et al.(US 5,991,399).

Claim 6: Graunke disclose a portable recording medium storing an encrypted content to be played by a playback device using a decryption key acquired from a management device in (fig.2 and col.4,lines 24-31). Graunke disclose the management device holds the decryption key of the encrypted content and the recording medium stores the encrypted content encrypted using an encryption key and a key request program for requesting the management device for the decryption key in (col.4,lines 30-51 and fig.2).

Claim 14: Graunke disclose a portable recording medium storing an encrypted content to be played by a playback device using a decryption key acquired from a management device in (fig.2 and col.4,lines 24-31). Graunke disclose the recording medium stores the encrypted content encrypted using an encryption key, and a key request program for requesting the management device for the decryption key in (fig.2 and col.6,lines 30-35). Graunke disclose the playback device reads from the recording medium and executes the key request program and on receipt of the decryption key from the management device reads from the recording medium and decrypts the encrypted content and plays the decrypted content in (col.4,lines 25-55).

Claims 1,15-17: Graunke disclose a management device which holds a decryption key for decrypting an encrypted content in correspondence with disclosure information showing whether disclosure of the encrypted content is permitted and a portable recording medium which stores the

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encrypted content and a key request program for requesting the management device for the decryption key in (fig.2 and col.4,lines 30-40,50-55). Graunke disclose reading from the recoding medium and executing the key request program;referring to the disclosure information and judging when a request is received from a playback device whether disclosure of the encrypted content is permitted and transferring the decryption key to the playback device if judged that the disclosure is permitted in (col.3,lines 53-64;col.4,lines 30-35). Graunke disclose receiving the decryption key from the management device, reading from the recording medium and decrypting the encrypted content using the decryption key and playing the decrypted content in (col.4,lines 48-61 and fig.2).

Claim 2: Graunke disclose management device stores, as disclosure information, period information showing at least one of a disclosure start date and a disclosure end date, and judges whether disclosure of the content is permitted according to the period information in (col.7,lines 1-15).

Claim 18: Graunke disclose a key request program executing unit operable to read from the recording medium and execute the key request program and a key receiving unit operable to receive the decryption key from the management device in (col.3,lines 53-64 and fig.2). Graunke disclose a content reading unit operable to read the encrypted content from the recording medium and a playback unit operable to decrypt the encrypted content using the decryption key and playback the decrypted content in (col.4,lines 50-62). Graunke disclose the recording medium stores the encrypted content encrypted using an encryption key, and a key request program for requesting program for requesting the management device for the decryption key in (col.4,lines 30-34,48-55). Graunke disclose the playback device reads from the recording medium and executes the key request. And on receipt of the decryption key from the management device, reads from the recording medium and decrypts the encrypted content and plays the decrypted content in (fig.2 and col.3,lines 53-67).

Claim 19: Graunke disclose key request program authenticates a user in (col.6,lines 46-55).

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Claim 20: Graunke disclose recording medium having the key request program and the encrypted content is a compact disk in (col.6,lines 30-35).

Claim 21: Graunke disclose recording medium having the key request program and the encrypted content is a DVD in (col.6,lines 30-35).

Claim 22: Graunke disclose management device determines if a key requested by the key request program should be sent to the content reading unit using based on one or more criteria in (col.4,lines 48-59).

#### ***Claim Objections***

Claims 1,6,14-18 recite “ the recording medium” it is unclear whether “the recording medium” refers to a portable recording medium. Appropriate correction is required.

#### ***Allowable Subject Matter***

Claims 3-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Applicant's Arguments***

Previous grounds of rejections based on the Novak (US 6,865,555) have been withdrawn in view of applicant's arguments filed 1/9/07. However, newly discovered prior art has necessitated new grounds of rejection. See new rejections above.

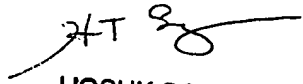
#### ***USPTO Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HOSUK SONG whose telephone number is 5712723857. The examiner can normally be reached on mon-fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KIM VU can be reached on 5712723859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
HOSUK SONG  
PRIMARY EXAMINER